WP(C) 1560/2007

BEFORE

HON'BLE THE CHIEF JUSTICE MR J CHELAMESWAR

THE HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr. M Dutta, learned counsel for the petitioner.

Aggrieved by an order of the Central Administrative Tribunal, Guwahati Bench in Original Application No. 213/2006 dated 23.3.2007 the unsuccessful applicant preferred the present writ petition. The Original Application itself came to be filed challenging the order dated 10.8.2006 passed by the respondent No. 3 transferring the petitioner to Arunachal Pradesh State Social Welfare Board.

The transfer order came to be passed in the background of the fact that an amount of Rs. 98,700/- was withdrawn by the Cashier attached to the office of the 4th respondent with the approval of the petitioner here. It appears that under the relevant rules such a withdrawal is required to be made only with the concurrence of the 4th respondent which was not obtained in the instant case. The petitioner claims that it was not his legal obligation to obtain the concurrence of the 4th respondent and it is totally a fault on the part of the cashier to have withdrawn the amount without the concurrence of the 4th respondent.

These are all matters which are required to be examined in appropriate proceeding. We are informed that a separate disciplinary proceeding is initiated where all these matters can be appropriately examined.

It is in the background of the mentioned facts the present impugned order came to be passed. The Central Administrative Tribunal on elaborate consideration of the materials saw no merit and rejected the application.

It is settled law that this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not expected to normally interfere in the matters of transfer of employees of the State, barring exceptional situation like where the power is exercised malafide or without jurisdiction.

We do not see any reason warranting interference of this Court with the order under challenge.

The writ petition is devoid of merit and therefore dismissed at the admission stage.